

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

IRANI A. WIJAYARATHNE, ALSO KNOWN OF RECORD AS IRANI A. AMARASINGHE & LITTLEPETALS, INC., SP 2014-DR-118 Appl. under Sect(s). 3-303 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 12847 Fantasia Dr., Herndon, 20170, on approx. 8,400 sq. ft. of land zoned R-3. Dranesville District. Tax Map 10-1 ((2)) 162. Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on January 7, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The Board has a favorable staff recommendation and heard testimony that supports the granting of this day care center.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Irani A. Wijayarathne, AKA Irani A. Amarasinghe, DBA Little Petals Inc., only, and is not transferable without further action of the Board, and is for the location indicated on the application, 12847 Fantasia Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "Plat showing house location on Lot 162, Section Two, Kingston Chase," prepared by Dominion Surveyors, Inc. on June 21, 2007, as revised by the applicant, Irani A. Wijayarathne, through June 3, 2014, and approved with this application, as qualified by these development conditions.

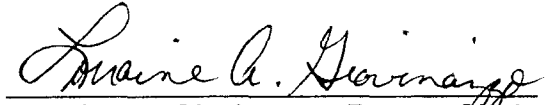
3. A copy of this special permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday. The applicant shall continue to operate with her approved hours of operation (7:00 a.m. to 5:00 p.m.) until granted a revised license approving the requested hours of operation (7:00 a.m. to 6:00 p.m.).
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be twelve.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility.
8. All pick-up and drop-off of children shall take place in the driveway.
9. There shall be no signage associated with the home child care facility.
10. Any portions of the dwelling associated with the home child care facility that is used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
11. Approval of this use is contingent upon maintenance of a state license for the children on-site for the home child care facility.
12. Until the deck passes building code inspections, it shall not be used for the home child care, including but not limited to use as a play area or access to the rear yard.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Byers seconded the motion, which carried by a vote of 6-0. Mr. Smith was absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Lorraine A. Giovinazzo". The signature is written in dark ink and is positioned above a horizontal line.

Lorraine A. Giovinazzo, Deputy Clerk  
Board of Zoning Appeals